

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

BRIAN SCHAEFFER,
Plaintiff,

Case No. 6:23-cv-00093-CL

ORDER OF DISMISSAL

v.

STAYTON HOSPITAL,
Defendant.

MCSHANE, United States District Judge.

Plaintiff, an individual in custody at the Marion County Jail at the time of filing, brings this civil rights action pursuant to 42 U.S.C. § 1983. On March 9, 2023, the Court granted Plaintiff's Application to Proceed *In Forma Pauperis*. (ECF No. 6.) The Court mailed a copy of the order to Plaintiff at the Marion County Jail the next day. On March 20, 2023, the U.S. Postal Service returned the order as undeliverable. (ECF No. 8.)

On April 6, 2023, the Court ordered Plaintiff to file a notice of change of address and warned that his failure to do so within sixty days would result in the dismissal of this action.

(ECF No. 10.) The Court mailed a copy of the order to Plaintiff at the Marion County Jail the same day. On April 18, 2023, the postal service returned the order as undeliverable. (ECF No. 11.)

Local Rule 83-10 instructs that unrepresented litigants have “a continuing responsibility to notify the Clerk’s Office whenever his or her mailing address, telephone number, and/or business e-mail address changes.” Indeed, “[a] party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.” *Carey v. King*, 856 F.2d 1439, 1441 (1988) (per curiam). When the Court sends mail to the last known address of an unrepresented party, and that mail then is returned as undeliverable because the party failed to notify the Clerk of a changed address, “the Court may strike appropriate pleadings, enter a default, or dismiss the action” after sixty days if the party still has not provided adequate notice of his current address. LR 83-12.

Plaintiff has not provided notice of his new address as ordered, and the Court is otherwise unable to contact him. Because Plaintiff has failed to keep the Court apprised of his current mailing address for over sixty days in violation of the Local Rules, the Court DISMISSES this action, without prejudice.

IT IS SO ORDERED.

DATED this 14th day of June, 2023.

s/Michael J. McShane

Michael J. McShane
United States District Judge